

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Engelhardt et al.

Serial No.: 10/717,140 Group Art Unit: 1634

Filed: November 18, 2003 Examiner: Lu, F.

For: **PROCESS FOR SELECTIVE EXPRESSION OF NUCLEIC ACID  
PRODUCTS**

Confirmation No.: 7276

**INFORMATION DISCLOSURE STATEMENT TRANSMITTAL LETTER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with 37 C.F.R. 1.56, 1.97 and 1.98, Applicants submit herewith references which they believe may be material to the patentability of this application and with respect to which there may be a duty to disclose in accordance with 37 C.F.R. 1.56.

While the references may be "material" under 37 C.F.R. 1.56, it is not intended to constitute an admission that the references are "prior art" unless specifically designated as such.

The filing of this Information Disclosure Statement shall not be construed as a representation that no other material references than those listed exist or that a search has been conducted.

The references listed below are also listed in Form PTO SB08a (in accordance with the requirements of MPEP 609) and are submitted herewith.

GAO et al. "Direct *in vivo* gene transfer to airway epithelium employing adenovirus-polylysine-DNA complexes" Human Gene Therapy 4: 17-24. 1993

WU et al. "Receptor-mediated Gene Delivery" J. Biol. Chem. 263: 14621-14624. 1988

These are non-patent literature cited in a Response submitted on November 24, 2008 to the Office Action dated May 23, 2008. Additional references cited in the Response have been previously disclosed and made of record.

It is respectfully requested that these references be considered by the Patent and Trademark Office in its examination of the above-identified application and be made of record therein. The Examiner is also invited to contact the Undersigned if there are any questions concerning this paper or the attached references.

The Information Disclosure Statement submitted herewith is being filed

[x] after submitting the RCE but before any subsequent Office Action

[ ] before the mailing date of a first Office Action on the merits

[ ] after the mailing date of a first Office Action on the merits.

Respectfully submitted,

Date: December 4, 2008 /Cheryl H Agris/  
Cheryl H. Agris, Reg. No. 34,086